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| 09/425,767      | 10/22/1999  | KURUMI MORI          | 1232-4582           | 9983             |

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EXAMINER

YE, LIN

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2615

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/425,767

Applicant(s)

MORI ET AL.

Examiner

Lin Ye

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13,21-40 and 54-66 is/are pending in the application.
- 4a) Of the above claim(s) 14-20,41-53 and 67-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13,21-40 and 54-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments for amended claims 1-13, 21-40 and 54-66, see pages 19, lines 3-16, filed on 11/11/04, with respect to the rejection(s) of claims 1-13, 21-40 and 54-66 under 35 U.S.C. 102(e) as being anticipated by Narayen U.S. Patent 6,035,323 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over Narayen et al. U.S. Patent 6,035,323 in view of Ota U.S. Patent 6,201,571.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13, 21-40 and 54-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayen U.S. Patent 6,035,323 in view of Ota U.S. Patent 6,201,571.

Referring to claim 1, the Narayen et al. reference discloses in Figures 2-3, 12A-C and 13-14, a method of managing a photographing condition (picture management system) of an image sensing apparatus by a user, comprising: a displaying step (see Figures 12A-C) of displaying an image photographed by the image sensing apparatus (e.g., client computer

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system 501 as shown in Figure 3, including a digital image input device 521 which is a digital camera for input the images into the computer system 501, see Col. 5, lines 55-60) and an associated photographing condition (file properties widow 1211a in Figure 12B) in photographing the image; an image selection step of selecting the image by the user while the user monitors the image; and a first storage step of storing (picture database in the file storage device) the image and the associated photographing condition upon receiving a request from the user (user can select particular image and clicking the OK button for requesting to store the data to the picture database or selecting from manual bar 1202 or icon 1204, see Col. 14, lines 1-56). However, the Narayen reference does not explicitly show photographing condition represented by values used for controlling the image sensing apparatus.

The Ota reference teaches in Figures 1 and 4, a computer monitor (Figure 4) displays a image (86) photographed by the image sensing apparatus (the digital camera as shown in Figure 1) and associated photographing condition represented by values used for controlling the image sensing apparatus (e.g., data concerning image picking up conditions, such as exposure time, flash used and F number as shown in Figure 4) for photographing the image (See, Col. 7, lines 5-11). The Ota reference is evidence that one of ordinary skill in the art at the time to see more advantages the data of photographing condition not just includes image properties and also the values used for controlling the image sensing apparatus so that is easy to effectively manage the initial image and image picking-up information even when the number of pieces of the initial images increases and the contents of image can easily be discriminated not only by the image file name (See Col. 2, lines 33-35 and lines 57-59). For

that reason, it would have been obvious to one of ordinary skill in the art to modify the system of Narayen by providing the image associated photographing condition represented by values used for controlling the image sensing apparatus as taught by Ota.

Referring to claim 2, the Narayen reference discloses an input step of inputting a photographing status (General picture properties window 1211 in Figure 12A) of the image selected in said image selection step; and a second storage step of storing the photographing status input in said input step in association with the selected image as shown in Figure 12A-C (See Col. 14, lines 29-38).

Referring to claim 3, the Narayen reference discloses a reception step (Picture Database 110) of receiving one or more images and a photographing condition in photographing each image from the image sensing apparatus, wherein said image selection step comprises selecting one image (the selected image is shown in window 1207) from images (a plurality images in window 1209) received in said reception step as shown in Figure 12A-C.

Referring to claim 4, the Narayen reference discloses wherein said first storage step comprises storing the image and photographing condition in memory (client computer system memory 601) of a control apparatus (Processor 505) of the image sensing apparatus (computer system 501 can be considered as “digital camera system”, see Col. 6, lines 32-40).

Referring to claim 5, the Narayen reference discloses wherein said first storage step comprises storing the image and photographing condition (file properties widow 1211a in Figure 12B) in an external storage medium (Web Server Computer System 111 including memory 701, See Figures 5 and 11, in step 229).

Referring to claim 6, the Narayen reference discloses wherein said second storage step comprises storing the photographing status (General picture properties window 1211 in Figure 12A) in memory (client computer system memory 601) of a control apparatus of the image sensing apparatus (501).

Referring to claim 7, the Narayen reference discloses wherein said second storage step comprises storing the photographing status in an external storage medium (Web Server Computer System 111 including memory 701, See Figures 5 and 11, in step 229).

Referring to claim 8, the Narayen reference discloses a condition selection (the picture management system software providing database searching and editing function) step of selecting a desired photographing condition from photographing conditions that are stored in association with respective images in said first storage step; and a transfer step of transferring the photographing condition selected in said condition selection step to the image sensing apparatus (See Col. 13, lines 40-64).

Referring to claim 9, the Narayen and Ota references disclose wherein said condition selection step comprises selecting a photographing condition by designating a desired image (such as date the file, file size and path name to match with the desired image disclosed by Narayen; see Narayen Col. 14, lines 30-34 and exposure time, flash and F number disclosed by Ota, see Ota Col. 6, lines 14-20).

Referring to claim 10, the Narayen and Ota references disclose wherein said condition selection step comprises selecting a photographing condition by designating values of some of a plurality of setting items (such as date the file, file size and path name to match with the desired image disclosed by Narayen; see Narayen Col. 14, lines 30-34 and exposure time,

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flash and F number disclosed by Ota, see Ota Col. 6, lines 14-20) of the photographing condition.

Referring to claim 11, the Narayen reference discloses a partial selection step of selecting some of a plurality of setting items of the photographing condition selected in the condition selection step, wherein said transfer step comprises transferring only the photographing condition setting items selected in said partial selection step (user can input text for useful later searching for a particular picture).

Referring to claim 12, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 8.

Referring to claim 13, the Narayen reference discloses wherein said condition selection step comprises selecting a step comprises selecting a photographing condition by designating a photographing status as shown in Figure 12A-C.

Referring to claim 21, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 1.

Referring to claim 22, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 2.

Referring to claim 23, the Narayen reference discloses storage means stores the image and photographing condition in internal memory (RAM 4 in Figure 1 and RAM 13 in Figure 6).

Referring to claim 24, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 5.

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Referring to claim 25, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 8.

Referring to claim 26, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 9.

Referring to claim 27, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 10.

Referring to claim 28, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 11.

Referring to claim 29, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 12.

Referring to claim 30, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 13.

Referring to claim 31, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 1.

Referring to claim 32, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 2.

Referring to claim 33, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 23.

Referring to claim 34, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 5.

Referring to claim 35, the Narayen and Ota references disclose all subject matter as discussed with respect to same comment as with claim 8.



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Referring to claim 36, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 9.

Referring to claim 37, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 10.

Referring to claim 38, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 11.

Referring to claim 39, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 40, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 13.

Referring to claim 54, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 1.

Referring to claim 55, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 2.

Referring to claim 56, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 3.

Referring to claim 57, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 4.

Referring to claim 58, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 5.

Referring to claim 59, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 6.

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Referring to claim 60, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 7.

Referring to claim 61, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 62, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 9.

Referring to claim 63, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 10.

Referring to claim 64, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 11.

Referring to claim 65, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 66, the Narayen and Ota references disclose all subject matter as discussed with respected to same comment as with claim 13.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Chen et al. U.S 6,307,550 discloses Generating photographs from a video segments.
  - b. Takemoto U.S. 6,335,742 discloses a processor-based display processing apparatus, method and user interface allows for easy understanding of the contents of image file.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (703) 305-3250. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye  
Examiner  
Art Unit 2615

January 31, 2005